vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3410 OF 2005

The Sub-Divisional Engineer
P.W.D. Sub-Div. Manmad
Dist.:Nasik & Anr. ... Petitioners

V/s.

Shri Shaukatali Kadarali ... Respondent

Mr.D.A. Patil for Petitioners
Mr.M.S. Karnik for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 15, 2005**

P.C.:

. This Petition challenges the order of the Industrial Court allowing the complaint filed by the Respondent workman. The grievance of the Respondent was that his services were terminated on 31.12.2004 prior to the date of his superannuation. According to the Respondent, his date of birth was 1.6.1948 and not 1.1.1947 which the petitioners have recorded. The Industrial Court found that the Petitioners have wrongly recorded the date as 1.1.1947 when the respondent joined service. It was only when the Petitioners' Officers found that the date of birth recorded was not endorsed or verified by them that they called upon the respondent to produce the documents certifying his date of birth.

Accordingly, after the receipt of the letter dated 17.5.2004, the respondent produced the necessary documents and came to know that the entry made in the petitioners' records was incorrect. The Petitioners, however, maintained that the date of birth was 1.1.1947 and, therefore, the respondent filed the present complaint.

2. The Industrial Court has on evidence and in the particular facts and circumstances of this case, held that an unfair labour practice has been committed under Item 9 of Schedule IV of the MRTU & PULP Act. I see no infirmity in the impugned order. The Respondent cannot be faulted in approaching the Court late as he was informed for the first time in 2004 that his date of birth recorded with the Petitioners was 1.1.1947. The Complaint has been filed soon thereafter. Petition rejected.